

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LIVIA M. SCOTTO,

Plaintiff,

vs.

WILLIAM J. MUNN, and NELNET,
INC.,

Defendants.

4:19CV3011

MEMORANDUM AND ORDER

This matter is before the court on a 100-plus page pleading filed by Plaintiff which the court construes as a motion. ([Filing No. 20](#).) Plaintiff's pleading is unintelligible and difficult to decipher. As best the court can tell, Plaintiff seeks to consolidate and/or reinstate several appeals from various federal court cases filed in other districts and asks for the appointment of counsel.

It is unclear whether Plaintiff seeks relief in this court or whether her requests were intended for the Eighth Circuit Court of Appeals where her appeal of this matter is currently pending. This court, however, lacks jurisdiction to entertain Plaintiff's requests. "Once a notice of appeal is filed, the district court is divested of jurisdiction over matters on appeal. For example, while an appeal is pending, the district court may not reexamine or supplement the order being appealed." *State ex rel. Nixon v. Coeur D'Alene Tribe*, 164 F.3d 1102, 1106–07 (8th Cir. 1999) (citations omitted). To the extent Plaintiff seeks some type of relief in this court and the court may have jurisdiction, Plaintiff's motion is denied.

IT IS THEREFORE ORDERED:

1. Plaintiff's pleading, construed as a motion ([filing no. 20](#)), is denied.

2. The clerk of the court shall transmit Plaintiff's motion ([filing no. 20](#)) and a copy of this Memorandum and Order to the Eighth Circuit Court of Appeals as a supplement to Plaintiff's Notice of Appeal.

Dated this 16th day of April, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge